REMARKS/ARGUMENTS

The above-identified patent application has been reviewed in light of the Examiner's Action dated January 28, 2008. No claims have been amended or canceled by this paper. Accordingly, Claims 1-23 are now pending. As set forth herein, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Claims 1, 13 and 14 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. However, it is noted that these claims are directed to a process, and that processes comprise statutory subject matter. In addition, it is clear from Claims 1, 13 and 14 that the probability of agent availability within a selected forecast horizon obtained by the process is used to forecast availability of the resource for a work assignment. Accordingly, the process of these claims has a useful, concrete and tangible result. Therefore, the rejections of Claims 1, 13 and 14 as being directed to non-statutory subject matter should be reconsidered and withdrawn.

Claims 1-6 and 9-23 stand rejected under 35 U.S.C. §103 as being obvious over U.S. Patent No. 5,327,490 to Cave et al. ("Cave '490") in view of U.S. Patent Application Publication No. 2003-0018762 to Mullen ("Mullen"). In addition, Claims 7 and 8 stand rejected under 35 U.S.C. § 103 as being obvious over Cave '490 in view of Mullen and further in view of U.S. Patent No. 5,570,419 to Cave et al. ("Cave '419"). In order to establish a *prima facie* case of obviousness under §103, there must be some suggestion or motivation to modify the reference or to combine the reference teachings, there must be a reasonable expectation of success, and the prior art reference or references must teach or suggest all the claim limitations. (MPEP §2143.) However, all of the claim elements cannot be found in the cited references, whether those references are considered alone or in combination. In particular, the cited references do not teach, suggest or describe calculating first and second different probabilities related to the availability of a first resource in connection with forecasting the future availability of that resource. Accordingly, reconsideration and withdrawal of the rejections of the claims as anticipated by or obvious in view of the cited references are respectfully requested.

The present invention is generally directed to forecasting the future availability of a resource or agent for a new work assignment. More particularly, the probability of completing a task that can be broken into a number of differentiated segments is determined by separately determining the probabilities of each of the differentiated segments. For example, and without

introducing limitations to the broader claims, an agent in a call center may be assigned to complete tasks that can be broken into a first segment related to time during which the agent is speaking with a customer or other party ("talk time") and a second segment during which the agent is performing paper work following an instance of talk time ("wrap-up time"). A probability for each of these segments is then calculated. After the probabilities of the separate segments included in the task have been calculated, they are combined to obtain a probability related to whether the agent will be available within the forecast horizon. The prior art references cited in the Office Action do not teach, suggest or describe segmenting a task into multiple segments and separately determining the probability that each segment will be completed within a forcast horizon, in connection with obtaining an overall probability that a resource will be available within that forecast time horizon.

The primary reference, U.S. 5,327,490 to Cave, is generally directed to a system and method for controlling call placement rates for telephone communication systems. Cave does discuss using statistical parameters in connection with controlling call placement rates. (Cave, abstract.) However, Cave does not disclose determining a probability of completing different segments of a task with a selected forecasted horizon. Instead, Cave discusses determining the average amount of time that an agent is in use in order to select a time to initiate an outgoing call. (Cave '490, col. 2, ll. 27-43.) An amount of time is not the same as a probability. Therefore, Cave does not teach, suggest or describe determining for different segments of a single task different probabilities, or combining determined first and second probabilities to obtain a probability that an agent will be available within a selected forecast horizon as generally claimed.

The Mullen reference is cited in connection with determining a probability of availability of a plurality of resources. As noted by the Examiner, the Mullen reference provides a detailed explanation of how a probability of availability for each of a plurality of resources can be determined. However, Mullen does not make up for the deficiencies of Cave with respect to disclosure of determining a probability of agent availability by combining probabilities related to different segments of a task. Instead, Mullen uses various statistics, not probabilities of segments of a task, to obtain a probability of availability for each of a plurality of resources.

Accordingly, the proposed combination of the Cave '490 and the Mullen references does not teach, suggest or describe each and every element of the pending claims. In particular, the proposed combination of references does not disclose separately determining a probability of completing different segments of a first task related to the availability of a first resource and

combining those probabilities to obtain a probability of agent arrival within the selected forecast horizon. Instead, the cited references use statistics such as times to complete tasks associated with a resource to obtain a single probability value for that resource. Therefore, Claims 1-6 and 9-23 are not obvious, and the rejections of these claims should be reconsidered and withdrawn.

The Office Action combines the Cave '490, Mullen and Cave '419 references in connection with the rejections of Claims 7 and 8. The Cave '419 reference is cited by the Office Action in connection with disclosure of the use of weighted forecasts and variance computation. Although the Cave '419 reference does discuss the use of statistical parameters in connection with controlling the pacing of outgoing calls, there is no teaching, suggestion or description in that reference of separating a single task into segments, and then separately calculating a probability of completion for each of the different segments within a forecast time. Accordingly, the Cave '419 reference does not make up for the deficiencies in the disclosure of Cave with respect to the pending claims.

In summary, none of the references cited in the Office Action teach, suggest or describe considering a first task as being comprised of separable segments, separately determining for each of the separable segments the probability that a first resource will be available (*i.e.*, will have completed the segment) within a forecast horizon, and then combining those determined probabilities to obtain a probability that an agent will be available within the selected forecast horizon. Accordingly, the pending claims are not obvious, and the rejections of the claims should be reconsidered and withdrawn.

The application now appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would be of assistance.

Respectfully submitted,

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